



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,504	02/22/2002	Artur Schworer	MFA-14502/04	9973

25006 7590 09/17/2003

GIFFORD, KRASS, GROH, SPRINKLE
ANDERSON & CITKOWSKI, PC
280 N OLD WOODARD AVE
SUITE 400
BIRMINGHAM, MI 48009

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No.	Applicant(s)	
	10/081,504	SCHWORER, ARTUR	
	Examiner	Art Unit	
	Alvin C. Chin-Shue	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-20,22,23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-20,22 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 22 improperly depends from a canceled claim 1. Is the “a second horizontal carrier”, as set forth in claim 2, different from that which was set forth in claim 1 as suggested? Is the “two guide stops”, as set forth in claim 2 line 3 different from in line 2? In claim 2, it does not appear that “one guide stop” is close to “each” short side. In claims 3 and 15, is the “a scaffold deck” a different from the previously recited scaffold deck as suggested? In claim 3, what is “stops 15”. In claim 9, is the hook a different element from the holding means as suggested? Line 5 of claim 9 is not understood. In claim 12, it does not appear that the first and second horizontal carriers consist of only two parallel horizontal carriers. In claim 15, the phrase “the longitudinal axes (plane) of symmetry” lacks antecedent basis. In claim 18, is the “horizontal carriers” different from the previously recited horizontal carriers as suggested? What are the horizontal squares?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23,4,5,9-15, and 17-20, as understood and assuming to be definite, are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat.'566 to Miller in view of Waters. Miller shows the claimed scaffold with the exception of the end hooks. Waters shows end hooks attached to recessed end portion of a platform for anchoring the end portion of the platform to horizontal carriers that are parallel to and adjacent to the end portion of the platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end portion of the platform of Miller to comprise end hooks for anchoring the end portion of the platform to his parallel adjacent horizontal carriers.

Claims 1-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over German pat.'566 to Miller in view of Waters and Erckhoff. Miller shows the claimed scaffold with the exception of the end hooks and the plurality of guide stops. Waters shows end hooks attached to recessed end portion of a platform for anchoring the end portion of the platform to horizontal carriers that are parallel to and adjacent to the end portion of the platform. Erckhoff at 71 shows a plurality of hook-like guide stops on side portions of a platform for

engaging over a supporting frame side rails. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the end portion of the platform of Miller to comprise end hooks for anchoring the end portion of the platform to his parallel adjacent horizontal carriers and to comprise plural hooks, in lieu of his single hook member at 11, to enable intermittent side support of the side of his platform to his side horizontal carriers.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Miller and Waters, or Miller, Waters, and Erckhoff, as applied to claim 4 above, and further in view of Randjelovic. Randjelovic at 25,26 shows hook and eye connection for securing adjacent sides of a platform. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miller of comprise a hook and eye connection, as claimed, for securing adjacent sides of a like platform.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Miller and Waters, or Miller, Waters, and Erckhoff, as applied to claim 4 above, and further in view of Schworer. Schworer shows a rose connector for attaching horizontal carriers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical members of Miller to comprise rose connectors for attaching horizontal carriers to his vertical members.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue
Primary Examiner
Art Unit 3634

ACS